

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
000394-US

In Re Application Of: Erzgraeber et al.

Serial No.
09/582,067

Filing Date
21 June 2000

Examiner
Forde, R.R.

Group Art Unit
2826

Title: Semiconductor Substrate...

Handwritten: Thompson
Abandon #8
1/29/03

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

- a.) Petition to Repeal Notice of Abandonment;
- b.) Post Office Receipt

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in the above identified application.

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Signature

Dated: 17 June 2002

Karl Hormann
Registration No. 16470

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Karl Hormann

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 09/582,067
Filing Date: 21 June 2000
Inventor: Erzgräber et al.
For: Semiconductor Substrate with Embedded...

Examiner: Fordé, R.
Group Art Unit: 2826

86 Sparks Street
Cambridge MA 02138-2216
17 June 2002

Hon.
Assistant Commissioner for Patents
Washington DC 20371

Petition to Repeal Holding of Abandonment

Sir:

The Notice of Abandonment mailed 3 June 2002 and received today is not understood. The Notice alleges that Applicant failed timely to file a proper response to the Office letter of 18 October 2001. As the undersigned attorney has no record of having received an Office letter dated 18 October, it is assumed that the Office letter referred to is the one of 18 *September* 2001. That is an Action with a requirement to elect either Group I, claims 1-3, or Group II, claims 4-8.

It is urged that the Notice of Abandonment and the restriction requirement were issued in error. For the Examiner ignored or overlooked that the instant application is a "371" of PCT/DE98/03794 and that, therefore, the holding of *Caterpillar Tractor Co., Inc., vs. Commissioner of Patents and Trademarks*, 231 USPQ 590 applies, namely that a restriction requirement is inappropriate.

To this, the undersigned attorney, by his letter of 20 September 2001, sought to direct the Examiner's attention, fully confident that as in every similar incident over the many years of the attorney's patent prosecution practice, the

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Examiner would withdraw the restriction requirement and proceed with normal examination.

As the Notice of Abandonment of 3 June 2002 in response to the attorney's letter of 20 September 2001 clearly conflicts with prior patent office practice which provided for withdrawal *by the Examiner in charge of the case* of any restriction requirement *without the applicant being compelled to make an election*, such withdrawal appears to be indicated in the instant application as well and is courteously solicited.

In the circumstances, Applicant prays that the statutory petitions fee be waived.

Respectfully submitted,



Karl Hormann
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